

Department of the Army
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United States Army Intelligence Center
and Fort Huachuca
Fort Huachuca, Arizona 85613-6000

*FH Regulation 420-

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Directorate of Installation Support

ACQUISITION AND USE OF ON-POST AND OFF-POST REAL ESTATE

Summary. This regulation prescribes policies and procedures for the acquisition and use of miscellaneous real estate on the military reservation and off-post real estate.

Applicability. This regulation is applicable to all elements of the U.S. Army Intelligence Center and Fort Huachuca (USAIC&FH) and partner organizations.

Supplementation. Supplementation of this regulation is prohibited without prior approval from the proponent.

Suggested Improvements. The proponent of this regulation is the Directorate of Installation Support, USAIC&FH. Users are invited to send any comments or recommended changes on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander, USAIC&FH, ATTN: ATZS-ISE, Fort Huachuca, Arizona 85613-6000.

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*This regulation supersedes HQFH Reg 420-12, 28 December 1988.

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1. Purpose.

To establish policies and procedures governing the acquisition and utilization of real estate on the military reservation and of off-post interest in real estate. It applies to all units, activities, and agencies supported by United States Army Garrison (USAG), Fort Huachuca. This regulation applies to, but is not limited to the following:

a. Authorized use of on or off-post land sites for any purpose. On-post sites include land areas on the reservation administered by G-3, Ranges and Training Operations Division and Directorate of Installation Support (DIS). Excluded is use of off-post leased family housing. Off-post sites include land under the control of other military installations, U S. Forest Service, Bureau of Land Management, state, and privately owned land.

b. Construction or erection of towers, buildings, training facilities, airstrips, heliports, etc., on land located off the reservation and miscellaneous land on-post.

2. References.

Required and related publications and referenced forms are listed in Appendix A.

3. Explanation of Terms.

a. On-post real estate.

(1) DIS Administered: Any real estate located inside the boundaries of Fort Huachuca except buildings, facilities, ranges, and training areas administered by G3 as governed by HQFH Regulation 385-8.

(2) G3 Administered: Any real estate located inside the boundaries of Fort Huachuca except real estate, buildings, and facilities administered by DIS.

b. Off-post real estate. Any real estate located outside the boundaries of Fort Huachuca.

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c. Real estate. The land, right, title, and interest therein and improvements thereon. The land includes minerals in their natural state and standing timber. When severed from the land, these become personal property. Rights and interest include fee simple, leaseholds, easements, rights-of-way, water rights, air rights, and rights to lateral and subjacent support.

d. Reconnaissance permit. A permit authorizing post personnel (military and civilian) ingress or egress over existing roads and trails or on-foot reconnaissance of off-post real estate for the purpose of determining suitable areas for use.

4. Responsibilities.

a. The G-3 will--

(1) Review requests for on-post real estate and determine if requirements can be satisfied with ranges and training areas under their control.

(2) Forward those requests that require acquisition of off-post interest in real estate, use of off-post real estate already acquired, or non-G3 administered on-post real estate to DIS with recommendations concerning approval, use, limitations, etc.

b. The DIS will--

(1) Authorize use of on-post real estate as defined in paragraph 3a.

(2) Authorize use of off-post sites currently under lease or permit.

(3) Take actions necessary to acquire new off-post interest in real estate as required.

5. Policy and Procedures.

a. Acquisition of off-post interest in real estate will not be considered or approved unless it is established that--

(1) The activity to be accommodated is essential to an assigned mission.

(2) Real property under control of Fort Huachuca is inadequate to satisfy the requirement.

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b. Specific requirements for off-post interest in real estate will be determined and only the minimum amount necessary to support the mission will be acquired.

c. Reduced travel time, nominal savings in transportation costs, and environmental considerations (noise and traffic) will not be considered sufficient justification for acquiring off-post interest in real estate when Government-owned property is available.

d. If permanent construction is to be placed on off-post land, the Army must have fee title or acquire title to the land, or a permanent easement interest must be secured with certain exceptions as provided for in AR 405-10.

e. Off-post real estate will not normally be assigned for exclusive use of requesting activity unless required for security, safety, or operating requirements. Joint use will be authorized when the multiple use is compatible.

f. Off-post sites for temporary use are acquired through permit or lease; strict conformity to the terms of these agreements is mandatory.

g. Temporary use of DIS administered real estate will be authorized by DIS when the proposed use does not have an adverse effect upon the environment and real property facilities, contribute to seasonal fire danger, or interfere with the construction operation and maintenance of real property.

h. Activities requesting the use or acquisition of off-post real estate will be considered in the following priority:

(1) Presently controlled by USAG, FH.

(2) Controlled by other Army installations.

(3) Controlled by other DOD installations.

(4) Controlled by other Federal agencies, such as the Department of Agriculture (Forest Service), Department of the Interior (Bureau of Land Management), etc.

(5) Controlled by the State of Arizona.

(a) Highway Department.

(b) Land Department.

(6) County or municipal land.

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(7) Private land.

i. A reconnaissance permit is required when any military or civilian personnel go off-post for the purpose of locating real estate required for military purposes, except when reconnaissance can be done entirely from public roads without hindering traffic.

j. Personnel on reconnaissance will not reveal the purpose of their visit or commit the Government in any way to land holders.

k. Activities requesting acquisition of off-post interest in real estate are required to provide funds necessary to pay all related charges, i.e., acquisition costs, rental charges, utilities, etc.

l. Activities contemplating use of DIS administered real estate or off-post real estate should coordinate with DIS, Real Property Office, and obtain information on existing off-post sites available for use and other basic criteria to consider during the site selection process.

m. Prior to selection of sites within 20,000 feet of any active airport, landing strip or heliport, coordination should be made with the Installation Airspace Officer to ensure compliance with requirements of AR 95-50.

n. Activities requiring off-post or DIS administered real estate will prepare a written request and forward to DIS within the timeframes cited in paragraph 5a(1-7). The request must contain the following information:

(1) Type of test or training to be conducted.

(2) Justification for use of DIS administered real estate or off-post real estate, as opposed to using real estate designated for training and testing, within the boundaries of Fort Huachuca.

(3) A map (U.S. Geological Survey, 7.5 or 15 minute series, topographic) showing the precise location of the real estate.

(4) Written description of the property-size, shape, landmarks, directions to the site, etc., along with a strip map reflecting the description.

(5) Name, rank, and telephone number of project officer having information concerning real estate requirements.

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(6) Period of time the site is required (dates).

(7) The number of personnel/equipment, types of equipment, and other pertinent data on occupancy of the site.

(8) Type and quantity of services required; i.e. , water, gas, electricity, trash, and sewage disposal.

(9) A fund citation, when applicable, will be included with the request.

o. Requests for use of real estate will be submitted to DIS in accordance with the following timeframes:

(1) DIS administered real estate - 15 days in advance.

(2) Off-post real estate presently held by lease or permit - 20 days in advance, provided proposed use is authorized by terms of lease or permit.

(3) Off-post real estate presently held by lease or permit and requiring amendment to conditions of use - six months in advance.

(4) Test sites along Arizona highways, (includes both state and county highways) - 60 days in advance.

(5) New acquisitions of off-post interest in real estate - six months in advance.

(6) Requirements for a large number of new acquisitions of off-post interest in real

estate will require additional time depending on the number of sites, location, ownership, etc.

p. Requests for use of on-post real estate under the control of G-3 will be submitted on FH Form 385-1, "Range/Site Area Request," or through the RFMSSXXI computer scheduling program. The G-3 will determine if real property under their control will satisfy the requirement. If the real property is available, the G-3 will process the request in accordance with FH Regulation 385-8. If real estate under the control of G-3 is not suitable or available, the request will be forwarded to DIS.

q. Upon receipt of a request from G-3, DIS will determine if the request can be satisfied by use of DIS administered real estate or off-post real estate presently held by a lease or permit. If real estate presently held is suitable and available, the requester will be notified. If the real estate is not available, DIS will initiate acquisition of off-post interest in real estate required.

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r. The requesting agency will be notified when the land has been acquired and is available for use.

s. Reconnaissance permits for use of off-post real estate are obtained by written request or by contacting the DIS, Realty Officer. Verbal reconnaissance permits will be issued when conditions warrant.

t. Requests for use of real property at other Department of Defense installations are submitted directly to the applicable installation.

6. Conditions of Use.

a. All field sites used for training, tests, or operations will be maintained in an excellent state of police at all times. All trash and garbage will be returned to Fort Huachuca or to the nearest approved civilian garbage disposal point. Proper use of sanitation standards for the latrine facilities will be observed.

b. Sites and bivouac areas will be a minimum of 500 yards from a body of water (streams, lakes, water holes, water tanks, and water sites used for domestic or wild animals). Personnel will not use such water for drinking, swimming, laundering, or bathing.

c. Vehicles will be driven on established public roads or trails and will not be driven on shoulders of roads. When no road or trail to a site exists, the most direct accessible route will be established and used by all vehicles. No more than one road will be made into an area unless requested by the land owner or Forest/District Ranger.

d. Gates in fences and stock enclosures will be closed and secured after each entry or exit. If the gate is open when approached, it shall be left open unless the user has definite knowledge that the gate was left open inadvertently. Fences on the reservation, National Forest, state, or private land will not be disturbed. Units will not cut or let down fences except in the case of an extreme emergency. In the event of such a necessity, the fence will be repaired without delay. The DIS will be notified as soon as practicable of any fences cut, let down, or in need of repair.

e. Communication lines will not be placed on commercial poles, privately-owned buildings, in trees, or over bushes. Lines will be placed on the ground except where poles are erected for overhead construction. All lines will be tagged for identification; wire will be recovered by the responsible unit.

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f. Trees, shrubs, and plants will not be harmed, destroyed, or removed unless essential to operations, and then only with prior written approval from DIS.

g. Every precaution will be taken to prevent forest fires. During the closed fire season, smoking will not be permitted outside the site area and open fires will not be permitted. Each occupied site will have sufficient fire fighting equipment available in the area in case of fire. Firebreaks will be constructed only when requested by the Forest/District Ranger or land owner.

h. When off-post sites are used on Federal, state, county, or private land, the Officer in Charge of the site becomes the personal representative of the Commander, USAG, and is personally responsible for the conduct of assigned personnel, safeguarding the property, and strict compliance with the following restrictions which may be specified in a particular area.

(1) Arrangement of training and operations, including road nets, must have the concurrence of the person who owns or has a lease for the land.

(2) Military individuals will not interfere with civilians in the area. Any serious incident involving civilians will be immediately referred to the appropriate civilian law enforcement office, DIS, and the headquarters concerned.

(3) Roads which have gates are considered private roads, and permission must be obtained for their use from the owner.

i. The use of highway rights-of-way requires a permit issued by the Highway Department, and will normally be restricted to daylight hours, except for unusual circumstances, which must fully justify use after dark. In any event, the use cannot

present a hazard to lanes of moving traffic and must be at least 30 feet from the traveled portion of the right-of-way. Mud, dirt, or debris tracked onto the highway resulting from the use of the site will be removed immediately. Clearing, excavation, or construction is not authorized unless specifically approved in writing by DIS and the Highway Department. A copy of the state or county permit will be onsite during active use of the right-of-way.

j. Use of all on and off-post real estate will be in accordance with applicable Federal, state, and local environmental regulations.

7. Emergencies.

a. Fire fighting equipment and tools, i.e., shovels, swatters, and fire extinguishers, will be on hand during the use of the site.

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b. In the event of fire in the vicinity of the site, operations will be suspended and all personnel will be used to control the blaze. If the site is on Forest Service land, the appropriate Forest/District Ranger will be notified. A request by a Forest/District Ranger for assistance in combating a fire will be honored.

8. Damages and Claims.

a. In addition to normal accident reporting requirements, any incidents or damages, i.e., accidental death or injury to animals, damage to fences, buildings, trees, grassland, etc., involving private, state, or public property which may result in claims against the U.S. Army, will be immediately reported to Claims Officer, Office of the Staff Judge Advocate (SJA).

b. In accordance with AR 27-20, each activity using field sites will furnish the SJA the name of an officer to be appointed as liaison to the SJA Claims Officer. This officer will be responsible for notification and investigation of incidents or damage as provided in paragraph 8a above, and for damage resulting from the field operations.

c. Individuals are cautioned against attempting to settle claims for damages, but will refer all complaints through their liaison officer to the SJA Claims Officer.

9. Inspections and Reports.

a. Officers in charge and project officers of activities using field sites are responsible for inspecting these sites for compliance with this regulation. No site should be reported for release until after this inspection has been made. Particular attention must be paid to cleanliness and sanitation.

b. Off-post sites that become excess to the needs of the using activity will be reported in writing to DIS.

c. A final inspection will be made by DIS and the user to ensure that the area has been restored to its original condition insofar as possible, or to the satisfaction of the owner, prior to termination of the lease or agreement.

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Appendix A References

Section I Required Publication

AR 27-20

Claims

AR 95-50

Airspace and Special Military Operation Requirements

AR 405-10

Acquisition of Real Property and Interests Therein

Fort Huachuca Regulation 385-8

Range and Training Areas

Section II Related Form

Fort Huachuca Form 385-1

Range/Site Request

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